



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,453	07/05/2001	Gerald Francis McBrearty	AUS9-2001-0338-US1	4097
7590		09/19/2007		
Volel Emile International Business Machines Corporation Intellectual Property Law Department 11400 Burnet Road, Internal Zip 4054 Austin, TX 78758			EXAMINER NGUYEN, TRI V	
			ART UNIT 1751	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/899,453

Applicant(s)

MCBREARTY ET AL.

Examiner

Tri V. Nguyen

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,9-11,13,15-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,9-11,13, 15-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Art Unit: 1751

DETAILED ACTION

Response to Amendment

1. Upon entry of the amendment filed on 03/12/07, Claims 1, 7, 13 and 19 have been amended and Claims 2, 6, 8, 12, 14, 18 have been cancelled. The currently pending claims considered below are Claims 1, 3-5, 7, 9-11, 13, 15-17, 19 and 20. The examiner notes that claim 14 previously cancelled (see index of claim dated 01/18/06) is absent in the instant index of claims.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19 and 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitations of Claim 19 do not further limit the subject matter of Claim 13.

Claim 20 is dependent on Claim 19 and inherits the same deficiency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-5, 7, 9-11, 13, 15-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (6,405,175).

Art Unit: 1751

Claim 1: Ng discloses in a World Wide Web (Web) communication network with user access through a plurality of data processor controlled user interactive receiving display stations, a system for buying products offered from Web sites comprising:

a. means at a receiving display station for displaying a Web page accessed from a Web site (col 5, lines 27-36 and Fig 2, element 40);

b. means for selecting a product offered for sale from said Web page (col 3, lines 44-49; col 8, lines 36-45; col 11, lines 2-20; col 15, lines 25-30 and Fig 2);

but does not explicitly disclose

c. means for storing at said receiving station, a set of predetermined search queries respectively to each of a set of Web database sites for data related to attributes of a selected product; and

d. means responsive to a selection of a product for automatically sending said search queries to said Web database sites wherein a purchase profile of the product.

Ng discloses downloading a special scout browser with optimization functions at receiving station (col 15, lines 61-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Ng, with the means for storing the search queries at the receiving station since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network by locally caching the information. The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan.

Furthermore, Ng discloses the feature of iteratively displaying the search queries (col 11, lines 2-20) and the use automatically retrieving information (col 6, lines 52-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system as taught by Ng, with automatically sending the search queries upon selection of a product since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network and enhance the web browsing experience of the users.

Art Unit: 1751

Claim 3: Ng discloses the Web system for buying products of claim 1 wherein one of said search queries is sent to a database Web site providing data on the quality of the Web sites offering products (col 8, lines 64-67 and col 10, lines 2-47).

Claim 4: Ng discloses the Web system for buying products of claim 1 wherein one of said search queries is sent to a database Web site providing data on the quality of the selected product (col 17, lines 57-67 and col 18, lines 1-34).

Claim 5: Ng discloses the Web system for buying products of claim 1 wherein one of said search queries is sent to a database Web site providing data on the comparative price of the selected product at a plurality of Web sites offering the product (col 5, lines 27-34; col 6, lines 64-67; col 7, line 1 and col 7, line 15-21).

Claim 7: Ng discloses in a Web communication network with user access through a plurality of data processor controlled user interactive receiving display stations, a method for buying products offered from a plurality of Web sites comprising:

- a. displaying a Web page accessed from a Web site at a receiving display station (col 5, lines 27-36 and Fig 2, element 40);
- b. selecting a product offered for sale from said Web page (col 3, lines 44-49; col 8, lines 36-45; col 11, lines 2-20; col 15, lines 25-30 and Fig 2);

but does not explicitly disclose

- c. storing at said receiving station, a set of predetermined search queries respectively to each of a set of Web database sites for data related to attributes of a selected product; and
- d. sending said search queries to said Web database sites responsive to a selection of a product wherein a purchase profile of the product.

Art Unit: 1751

Ng discloses downloading a special scout browser with optimization functions at receiving station (col 15, lines 61-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Ng, with the means for storing the search queries at the receiving station since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network by locally caching the information.

Furthermore, Ng discloses the feature of iteratively displaying the search queries (col 11, lines 2-20) and the use automatically retrieving information (col 6, lines 52-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Ng, with automatically sending the search queries upon selection of a product since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network and enhance the web browsing experience of the users.

Claim 9: Ng discloses the method for buying products of claim 7 wherein one of said search queries is sent to a database Web site providing data on the quality of the Web sites offering products (col 8, lines 64-67 and col 10, lines 2-47).

Claim 10: Ng discloses the method for buying products of claim 7 wherein one of said search queries is sent to a database Web site providing data on the quality of the selected product (col 17, lines 57-67 and col 18, lines 1-34).

Claim 11: Ng discloses the method for buying products of claim 7 wherein one of said search queries is sent to a database Web site providing data on the comparative price of the selected product at a plurality of Web sites offering the product (col 5, lines 27-34; col 6, lines 64-67; col 7, line 1 and col 7, line 15-21).

Art Unit: 1751

Claim 13 describes a computer program having a code recorded on a computer readable medium of claims 1 and 7; therefore, the prior arts of Ng as set forth above in claims 1 and 7 are relied upon to reject claim 13 (*cf.* claims 1 and 7 above).

Claim 15 describes a computer program having a code recorded on a computer readable medium of claims 3 and 9; therefore, the prior arts of Ng as set forth above in claims 3 and 9 are relied upon to reject claim 15 (*cf.* claims 3 and 9 above).

Claim 16 describes a computer program having a code recorded on a computer readable medium of claims 4 and 10; therefore, the prior arts of Ng as set forth above in claims 4 and 10 are relied upon to reject claim 16 (*cf.* claims 4 and 10 above).

Claim 17 describes a computer program having a code recorded on a computer readable medium of claims 5 and 11; therefore, the prior arts of Ng as set forth above in claims 5 and 11 are relied upon to reject claim 17 (*cf.* claims 5 and 11 above).

Claim 19: Ng discloses the computer program of claim 13 wherein said Web browser program further includes a plug-in program including:

- a. said means for storing a set of predetermined search queries respectively to each of a set of Web database sites for data related to attributes of a selected product (col 9, lines 53-65; col 11, lines 20-21 and col 11, lines 55-59); and
- b. said means responsive to a selection of a product for automatically sending said search queries to said Web database sites (col 3, lines 44-49; col 8, lines 36-45; col 11, lines 2-20 and col 15, lines 25-30).

Ng discloses the feature of iteratively displaying the search queries (col 11, lines 2-20) and the use automatically retrieving information (col 6, lines 52-62). It would have been obvious to one having ordinary skill in the art at the time the invention was made to

Art Unit: 1751

modify the method as taught by Ng, with automatically sending the search queries upon selection of a product since it was known in the art that storing information at the receiving station is used to provide an optimization of the retrieval of the information on a network and enhance the web browsing experience of the users.

Claim 20: Ng discloses the computer program of claim 19 further including:

- a. means for adding or deleting predetermined search queries to said set of queries (col 9, lines 53-69 and Figs 3 and 7); and
- b. means for adding or deleting Web database sites to said set of Web database sites (col 5, lines 34-43 and Fig 3).

Response to Arguments

6. Applicant's arguments filed on 3/12/07 have been fully considered but they are not persuasive.

Applicants argue that the Ng reference does not teach the features of storing a set of predetermined search queries respectively to each of a set of Web database sites for data related to attributes of a selected product, or for automatically sending these predetermined search queries to Web database sites to obtain an attribute profile of the purchaser selected product (pages 8 and 9). The examiner points that the applicants' remark is not commensurate with the claimed limitation (e.g. claim 1 recites "a purchase profile of the product" not purchaser). Regarding the automation feature being absent, the examiner respectfully disagrees as the claim would have been obvious because a particular known technique (the automation of a query) was recognized as part of the ordinary capabilities of a skilled artisan.

Art Unit: 1751

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Art Unit: 1751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NVT

NVT

September 13, 2007


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600